AJN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.992 OF 2007

Sayed Zaffar Mohiddin ... Petitioner

Vs.

The Senior Inspector of Police, Byculla Police Station & Ors. ... Respondents

Mr. N.N. Shah for the petitioner.

Mr. S.R. Borulkar, Public Prosecutor for the State.

Ms. A.R. Lambay i/b Lambay & Co. for respondent 4.

Mr. Jagdish D. Rane, PSI, Bandra Police Station is present in the court.

**CORAM : SMT. RANJANA DESAI & D. B. BHOSALE, JJ.**

**DATED : 16TH JUNE, 2007.**

**P.C.:-**

1. The petitioner seeks a direction to respondent 5 to register FIR through the C.I.D., Crime Branch, or any other police station against respondents 2 to 4 and their associates under sections 403, 406, 409, 420, 341, 342 read with section 34 and 120-B of the Indian Penal Code.

2. We have heard Mr. Shah, the learned counsel appearing for the petitioner, Mr. Borulkar, the learned Public Prosecutor and Ms. Lambay, the learned counsel for respondent 4.

3. Mr. Borulkar states that the police have conducted preliminary inquiry. He states that the police have recorded statement of the petitioner and the police have reached a conclusion that the dispute between the petitioner and respondent 2, who are partners is of a civil nature. The learned counsel for the petitioner states that in view of this, the petitioner will file a detailed complaint to the Deputy Commissioner of Police, Zone III in terms of section 154 (3) of the Criminal Procedure Code. The petitioner may do so if he is so advised.

4. Mr. Borulkar, on instructions from Mr. Jagdish D. Rane, PSI, Bandra Police Station, states that the police will hand over the articles and the documents, which are seized by the police under panchanama dated 2/9/2006 to the persons from whose custody they are seized, in accordance with law. In view of this statement, it is not necessary to pass any order in respect of prayer clause (a) (ii) of the petition.

5. In the circumstances, the learned counsel for the petitioner seeks liberty to withdraw this petition. The petition is allowed to be withdrawn and is disposed of as such. All contentions raised in the petition are kept open.

[SMT. RANJANA DESAI, J.]

[D. B. BHOSALE, J.]